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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Legal Subcommittee
Thirtieth session
New York, 25-March-12 April 1991
Agenda item 3

THE ELABORATION OF DRAFT PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE

Working paper submitted by Canada, France, Germany and Sweden

The following is the eighth revision of the draft principles contained in working paper A/AC.105/C.2/L.154 of 25 March 1986 and reflects discussions held at the thirty-third session of the Committee on the Peaceful Uses of Outer Space in 1990 and the discussions during the twenty-eighth session of the Scientific and Technical Subcommittee in 1991.

Principles 1, 3, 5, 6, 7 and 10 have been agreed to by the Subcommittee. It was noted by the Committee at its thirty-third session that a basis for consensus in the near future had been provided on a text for draft principle 8 and on the deletion of draft principle 11.

New Principle 1A: Definition of launching State

For the purposes of these principles the terms "launching State" or "State launching" are defined as the State on whose registry a space object is carried in accordance with the Convention on Registration of Objects Launched into Outer Space or, if the object is not registered in accordance with that Convention, the State which exercises or plans to exercise jurisdiction and control over such space objects as envisaged in article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Principle 2

(As indicated in working paper A/AC.105/C.2/L.154/Rev.7, principles 2 and 4 have now been amalgamated in principle 4 below.)

Principle 4: Safety assessment

1. A State launching a space object* with a nuclear power source on board shall conduct a thorough and comprehensive safety assessment prior to each launch. This assessment shall cover as well all relevant phases of the mission and shall deal with all systems involved, including, for example, the means of launching, the space platform, the nuclear power source and its equipment, and the means of control and communication between ground and space.
2. This assessment shall respect the guidelines and criteria for safe use contained in principle 3.
3. The results, detailed when practicable, of this safety assessment shall be made publicly available prior to each launch through the Secretary-General of the United Nations.

Principle 8: Responsibility

1. In accordance with article VI of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, States shall bear international responsibility for national activities in outer space involving the use of nuclear power sources, whether such activities are carried out by governmental agencies or by non-governmental entities, and for assuring that such national activities are carried out in conformity with that Treaty and the recommendations contained in these principles.
2. When activities in outer space involving the use of nuclear sources are carried out by an international organization, responsibility for compliance with the aforesaid Treaty and the recommendations contained in these principles shall be borne both by the international organization and by the States participating in it.

Principle 9: Compensation

1. In accordance with article VII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the provisions of the Convention on International Liability for Damage Caused by Space Objects, each State launching a space object with nuclear power sources on board shall be internationally liable to another State party to the Treaty for damage caused by such space objects or their component parts.

* The term "State launching a space object" is to be further considered.

2. The compensation that such States shall be liable to pay under the aforesaid Convention for damage shall be determined in accordance with international law and the principles of justice and equity in order to provide such reparation in respect of the damages as will restore the person, natural or juridical, State or international organization on whose behalf a claim is presented to the condition which would have existed if the damage had not occurred.

3. Compensation under the provisions of this Convention shall also include reimbursement of the duly substantiated expenses for search, recovery and clean-up operations, including expenses for assistance received from third parties, bearing in mind the provisions of article XXIII of that Convention regarding other international agreements.

Principle 12: Revision

These principles shall be reviewed by the Committee on the Peaceful Uses of Outer Space no later than ten years after their adoption.

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Corrigendum

Document A/AC.105/C.2/L.154/Rev.8 is hereby withdrawn.
